IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) CASE NO. 8:13CR137
Plaintiff,)
V.) MOTION TO SUPPRESS) EVIDENCE AND REQUEST FOR) EVIDENTIARY HEARING AND) ORAL ARGUMENT
PATRICK J. KEENAN,	
Defendant.))

The Defendant, Patrick J. Keenan, by and through his attorney, Shannon P. O'Connor, requests the Court suppress the evidence found on Mr. Keenan's person and evidence found during the subsequent search of his car on the grounds that it violated his Fourth Amendment rights under the United States Constitution. In support of this motion, the Defendant states as follows:

- 1. On August 17, 2012, Omaha Police Department Officer Holtmeyer conducted a traffic stop of Mr. Keenan's vehicle.
 - 2. Mr. Keenan told officers that he was a suspended driver.
- 3. The officer ordered Mr. Keenan out of the car and immediately conducted a pat-down search.
 - 4. The officer felt what he described as two bags of an "unknown substance".
- 5. Officer Holtmeyer reached into Mr. Keenan's pocket and retrieved two baggies containing methamphetamine.
- 6. There was insufficient evidence to conduct a <u>Terry</u> pat-down search. Assuming the pat-down search was proper, there was insufficient probable cause for Officer Holtmeyer to reach inside Mr. Keenan's pocket. These actions are a violation of the Defendant's Fourth Amendment rights under the United States Constitution.

WHEREFORE, the Defendant requests the Court suppress all evidence obtained from the search of Mr. Keenan's person and unlawful fruits discovered after the search. An evidentiary hearing is necessary to provide sufficient facts for the Court to rule on this motion.

PATRICK J. KEENAN, Defendant,

By: s/ Shannon P. O'Connor

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Martin Conboy, IV, Assistant United States Attorney, Omaha, NE.

s/ Shannon P. O'Connor